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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,993	08/01/2003	Fausto Meli	CISCP834	8984

54406 7590 11/07/2006

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EXAMINER

PASCAL, LESLIE C

ART UNIT PAPER NUMBER

2613

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,993

Applicant(s)

MELI, FAUSTO

Examiner

Leslie Pascal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Because during the search, all claims could be searched and addressed without undue burden, all claims have been examined.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1, 3-7, 13-26 and 32 are rejected under 35 USC 101. The claimed invention lacks patentable utility. Claims 1, 13, 20 and 32 claim a method for verifying an optical connection, yet the claim has no means for verifying. Claims 2 and 27 correct this problem. There is no "useful" result in these claims.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 8, 28 and 33 recite the limitation "said cord" in lines 2 or 3. There is insufficient antecedent basis for this limitation in the claim.

6. Claims 1 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melnyk et al (6590659).

Melnyk et al teach generating a multi-wavelength signal (column 2, lines 16-24). In that he strips a first end (claim 3 of Melnyk et al) of the cord and sends the signal through it, this reads on the transmitting portion. In regard to the magnitudes having distinct color signals, since the reference verifies a particular identification/verification based on the magnitude and wavelengths, the magnitudes are clearly important in order to indicate the verification. He uses the magnitude and wavelength to compare with stored information in order to determine the verification information. This is made in

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view of the above 101 rejection- (Melnik does teach means to verify, the applicant does not claim means to verify). In regard to claim 13, the coupler is the buffer.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-15, 20-22, 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinds et al (6920297) in view of Melnik et al (6590659).

Hinds et al teach generating a verification signal (column 12, lines 54-55) and transmitting the verification signal from a first end (column 12, lines 56-59), receiving the verification signal (column 12, lines 60-62) and decoding the connection identifier to verify a connection (column 12, lines 63-67). Although Hinds does not teach specifics that his verification signal is comprised of plural distinct colors wherein magnitudes indicate the connection identifier, he teaches that he compares the received signal with predefined connection models that are stored. Melnik et al teach a similar system which uses different colors RGB) and magnitudes in order to compare with stored information in order to provide a verification signal. It would have been obvious to use plural wavelengths as taught by Melnik in the system of Hinds in order to provide a more unique signal that is easier to send and detect. In regard to claims 3, 9, he appears to send data at the same time. In regard to claims 4-5, 10-11, see claim 2-3 of Hinds et al. In regard to claims 7, 15, 22 it would have been obvious to use CMY instead of RGB. The applicant's specification teaches that this is not a critical feature.

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In regard to claim 13, the signals are in some way combined according to claim 3 of Hinds et al. In regard to claims 12 and 29, Melnyk et al teach that either a white light transmitter with reflection means or different transmitters may be used.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hwang et al and Contarino teach methods of verifying fibers.

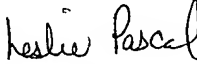
10. The prior art of record does not teach nor render obvious a verification system that uses a driver to generate electrical signals indicative of desired transmitted magnitudes of the distinct color signals. This feature appears to read over the prior art of record. It would appear that the combination of claims 1, 2 and 16 would be allowable. This would overcome the 101 and 103 rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Pascal whose telephone number is 571-272-3032. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Leslie Pascal
Primary Examiner
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